

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TERWIN WAREHOUSE MANAGEMENT
LLC, as Program Administrator for and
Assignee of TERWIN MORTGAGE
WAREHOUSE TRUST II, SERIES XVI, and
TERWIN ADVISORS LLC,

Plaintiffs,

-against-

SPECTRUM FINANCIAL GROUP, INC.,
JERRY CRAIG, SR. and
JERRY CRAIG, JR.,

Defendants.

07 Civ. 5632 (LTS)
ECF CASE

PROPOSED ORDER

Upon reading and filing the Declaration of Charles R. Jacob III, dated

dated October 31, 2007, and the exhibits annexed thereto, and upon the failure of defendants Jerry Craig Sr and Jerry Craig Jr to appear or otherwise respond to the order to show cause dated November 1, 2007,
NOW upon motion of Miller & Wrubel P.C., attorneys for plaintiff, for an

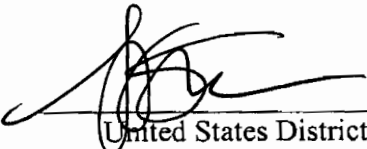
order pursuant to Fed. R. Civ. P. 37(b)(2)(B), (C) and the Court's Initial Conference Order, dated June 20, 2007, precluding evidence and defenses of Defendants Jerry Craig, Sr. and Jerry Craig, Jr. (collectively, the "Individual Defendants") with respect to the Fourth, Fifth and Sixth Causes of Action of Plaintiff's Complaint, dated June 13, 2007, it is hereby:

ORDERED that, pursuant to Fed. R. Civ. P. 37(b)(2)(B), (C) and the Court's Initial Conference Order, dated June 20, 2007, the Individual Defendants are precluded from offering evidence and asserting defenses with respect to the Fourth (against Jerry Craig, Sr. on the guaranty), Fifth (against Jerry Craig, Jr. on the guaranty)

and Sixth (against Jerry Craig, Sr. and Jerry Craig, Jr. for conversion) Causes of Action of Plaintiff's Complaint, dated June 13, 2007.

SO ORDERED.

Dated: New York, New York
November 20, 2007


United States District Judge